

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

The Department of Transportation of the)	
State of Illinois, for and on behalf of the)	
People of the State of Illinois,)	
)	
v.)	T07-0073
)	
Union Pacific Railroad Company, a Delaware)	
Corporation holding title as the Chicago and)	
Northwestern Railroad Company; and)	
Unknown Owners,)	
)	
Petition for approval of the taking or damaging)	
owned by a common transportation carrier in)	
Cook County, Illinois by exercising the right of)	
Eminent domain of certain properties. Job No.)	
R90-003-06; Parcel Nos. 0G30007PE-A & B)	
and Parcel Nos. 0G0007TE-A, B, C & D.)	
)	
-----)	consolidated with
)	
The Village of Arlington Heights,)	
)	
v.)	T08-0154
)	
Union Pacific Railroad and the Department)	
of Transportation of the State of Illinois,)	
)	
Petition for an Order of the Illinois Commerce)	
Commission, pursuant to 625 ILCS 5/18c-7401,)	
allowing modification to grade crossing at)	
Arthur Avenue and East Davis Street)	

**MOTION FOR EXTENSION OF STAY
AND SUSPENSION OF THE BRIEFING SCHEDULE**

Union Pacific Railroad Company (“Union Pacific”), through its attorneys, submits this Motion for Extension of Stay and Suspension of the Briefing Schedule pursuant to § 200.190 of the Illinois Commerce Commission (the “Commission”) Rules of Practice, 83 Ill. Adm. Code § 200.190. In support of this Motion, Union Pacific states as follows:

1. On November 12, 2009, Union Pacific filed a Motion to Stay Proceedings and Suspend the Briefing Schedule due to discussions that may result in an amicable resolution of the issues.

2. On December 8, 2009, the Administrative Law Judge (“ALJ”) issued a Notice of ALJ’s Ruling granting Union Pacific’s Motion to Stay Proceedings and Suspend the Briefing Schedule until February 26, 2010.

3. Union Pacific, the Department, and the Village, through their respective attorneys, are continuing discussions that may result in an amicable resolution of the issues presented on Union Pacific’s Motion to Stay and Dismiss for Lack of Jurisdiction. Progress has been made to resolve the issues. A settlement agreement draft has been circulated and is being discussed. However, the parties require more time to finalize a settlement and obtain approval from the governmental entities involved in the proceeding.

4. The related declaratory and injunctive action by Union Pacific in the U.S. District Court for the Northern District of Illinois (No. 09-CV-4564) has been continued for purposes of settlement until April 22, 2010.

5. Accordingly, Union Pacific requests that the ALJ continue to stay this proceeding for an additional 60 days to allow the parties an opportunity to reach an amicable resolution of these issues. Union Pacific further requests that the ALJ suspend to the current briefing schedule on its Motion to Stay and Dismiss for Lack of Jurisdiction until further notice.

6. The Department and the Village have no objection to the granting of this Motion, which is without prejudice to any party’s position on the merits of the Motion to Stay and Dismiss for Lack of Jurisdiction.

7. This Motion is made in good faith and not for purposes of delay. No party will be unfairly prejudiced by the granting of this Motion.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Administrative Law Judge grant this Motion.

Dated: February 24, 2010

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

By: /s/ John E. Rooney
One of its attorneys

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CERTIFICATE OF SERVICE

I, John E. Rooney, hereby certify that I caused a copy of the Motion for Extension of Stay and Suspension of the Briefing Schedule of Union Pacific Railroad Company to be served upon the service list in consolidated Docket Nos. T07-0073 and T08-0154 by email or regular mail, as provided on the service list, on February 24, 2010.

/s/ John E. Rooney

John E. Rooney